

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims as being anticipated by, or obvious in view of several references. In response, the claims have been amended and new claims have been added that describe the invention more distinctly.

Briefly, in one embodiment, the present invention pertains to a novel DVR and method of operating the same. The DVR monitors one or more channels. When a program of interest to a user or viewer is detected on a given channel and time slot, the DVR starts recording the program with the assumption that the viewer will want to watch the program in the near future. To save recording space, the recording or buffering starts at the beginning of the respective time slot. During buffering, the DVR also monitors to see if a user or viewer starts watching the program. If he is, then the buffering continues. In many instances, the user will want to see the program from the beginning. In one embodiment, the user 'rewinds' the recording so that he can start watching the program from the beginning. In another embodiment, the DVR itself starts showing the program to the user from the beginning automatically. The buffering then continues to the end of the program so that the user can see the whole thing.

However, if a user does NOT start viewing the program within a predetermined time period, the buffering is terminated and another program can be buffered if necessary. The process of selecting which program to buffer can be performed in a number of different ways. One way is simply to monitor what channels

are being watched at what times during a day, a week, a month, etc. A more comprehensive process monitors for how long during a time slot is a program being watched. An even more comprehensive process involves determining what kind of shows one or more users watch, and use this information to generate a viewer profile.

It is respectfully submitted that none of the cited references disclose such a method or apparatus. For example, Mekenkamp discloses assigning certain channels a priority and continuing to record high priority channels even if a viewer is not watching a channel, but she has "surfed away" from the channel. This reference does mention that the length of buffering may be "trimmed" (See par. 23) but clearly this trimming occurs at the beginning of the recording.

None of the references disclose or suggest the subject invention and therefore it is respectfully requested that the application be allowed.

Respectfully submitted,

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Date: August 28, 2008